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## REMARKS

### *Regarding Claim Rejection -35 U.S.C. § 101*

1.      Regarding claims 1-6 the following remarks are submitted according to 35 U.S.C. § 101:

The Examiner rejected said claims as being directed to non-statutory subject matter. Applicant respectfully traverses the rejection on the basis of the following reasons.

According to MPEP "2106 Patentable Subject Matter" IV, 35 U.S.C. § 101, B, 1, 2 a judgment about non-statutory subject matter consists in checking whether the invention is within the technological arts, and whether the invention produces a useful, concrete and tangible result. Further, a non-statutory subject matter cannot include an abstract-idea, like for example a mathematical algorithm, which does not provide any practical result.

In the claims 1-6 a method is claimed comprising a number of features in particular of steps, which are to be performed in a communication network. Said telecommunication networks comprises different nodes, which are a User, a Service Provider and an Accounting Manager, wherebetween an information exchange according to the claimed steps is performed. The steps are for example receiving, sending of messages, validating of the received messages, realization of which is not based on any abstract-idea. Moreover, the claimed method results in an appropriate charging of a user for a used service, thus delivering a useful concrete and tangible result.

Moreover the Applicants respectfully submit, that it is difficult to imagine how the claimed steps resulting in solving such a complex issue like charging in a telecommunication system might be realized using paper and pencil. But even if this would be possible, it is respectfully submitted that according to 35 U.S.C. § 101, a patent may be obtain to " any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof", wherein no restriction is made whether it is performed by a human or. by computer. Moreover it is stated in MPEP that ""(...The process requires that certain things should be done with certain substances, and in a certain order; but the tools to be used in doing this may be of secondary consequence.")." Thus, the applicants respectfully submit that the claims 1-6 are directed to a statutory subject matter.

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### *Regarding Claim Rejection -35 U.S.C. § 102*

2.      Regarding claims 1-4 the following remarks are submitted according to 35 U.S.C. § 102(b):

The Examiner rejected said claims as being anticipated by Hill, WO 98 22915. Applicant respectfully traverses the rejection on the basis of the following remarks:

Independent claim 1 is directed to a method for charging in a data communications network. Said network comprises a User, a Service Provider that provides at least one service, and an Accounting Manager. It is proposed that the Accounting Manager sends a service credential to the User and a user credential to the Service Provider. If a user wishes to access a service, a service request at the Service Provider is received. Said request is based on information sent in the service credential. In the next step the Service Provider validates the service request using information from the user credential. After performed validation the service is initiated. Further it is also claimed that the Accounting Manager receives from the Service Provider an accounting message relating to the service.

Hill discloses a method and a system for providing digital micropayment transaction for payments of low value, whilst avoiding generation of overhead like verification of user's identity. Hill proposes to provide payment tokens to the user, with which the user pays for a requested service. Thus, the user requests a page at a merchant node and receives from the latter a message with the required number of tokens for accessing said page. Thereupon the user sends the token to the merchant, which are subsequently forwarded to the payment server for verification. If the verification is successful a service is provided to the user.

Hill fails to teach to send a user credential to the Service Provider. It merely discloses sending of authentication tokens to the merchant, which are applied for increasing trust between vendor and the payment server, page 4 lines 6-17. However, the payment server issues the merchant with a series of authentication tokens, without any relation to the user. Further, Hill fails to teach to receive from the user a service request at the Service Provider, the service request being based on information sent in service credentials, which are issued by the Accounting manager to the user. In col. 8 lines 18-21 it is stated that a user sends a request for a service, like downloading a HTML page to a merchant. In response to the

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request, the Merchant sends a request to the user for payment of a particular number of tokens. Therefore the service request is a simple message without any relation to any information being included in the tokens, which are anyhow delivered after requesting a service. Moreover, in this context the applicants respectfully submit that the tokens as disclosed in Hill represents an amount of money without carrying any further information, which might be explored to generate a request message, as it is the case with the service credential as claimed. Moreover Hills fails to teach to perform a validation in the Service Provider by comparing information included in the service credential and in the user credential. In Hill there is no validation on the merchant side. This is even the object of Hill's solution to avoid overhead caused by validation procedure in the Service Provider in order to implement efficient micropayment. In col. 8 lines 30-32 it is stated that upon receiving a user token, said token is forwarded together with an authentication token to the payment server for verification, col.9 lines 8-12. In contrary to this, the subject matter as claimed proposes to perform the verification at the merchant side. Since the payment according to Hill is performed before initiating a service, the Hill fails also to teach to receive an accounting message after initiating a service.as it is claimed in claim 1.

Therefore the Applicant respectfully submits according to the foregoing reasons that claim 1-4 fulfils the requirements of 35 U.S.C. § 102 (b).

### Regarding Claim Rejection -35 U.S.C. § 103

3.      Further it is respectfully submitted that due to the fact that claims 5-14 are dependent claims being based on the patentability of claims 1 and since the Applicant respectfully submits according to the foregoing reasons that claims 1 is allowable, it is also respectfully requested to allow these claims over the art of record

4.      The Examiner rejected claims 1-14 as being unpatentable over Bahl et al., US 6,834,341. Applicant respectfully traverses the rejection on the basis of the following reasons.

Bahl discloses a system for authentication a user in order to provide Internet access. In particular Bahl discloses an authentication component (110) with an Access Point including a PANS server for providing the access and further an authentication database (114) for authentication of the user is disclosed. Once the user is authenticated, the communication with the Internet Provider takes place through the authentication component (110), wherein

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each sent data packet is accompanied by a token/key, which determines the user, the level of protection and optionally the level of quality of service. Since all sent and received data packets go through the PAN server, the task of said server is to monitor an accounting of the packets (col. 18 lines 19-34) according to the sent number of bits or the time an individual user spent using a sub-network.

The system architecture as disclosed in Bahl is different to the architecture as claimed. First of all Bahl teaches to provide an architecture which is independent form the Service Provider in order to enable the user to freely move between the sub-systems of a system providing Internet access (col. 7 lines 25-29). In case a equalization is made between an Accounting Manager as claimed and the authentication component with the PAN server as disclosed in Bahl, because said server is also responsible for maintaining an accounting of sent and received data packets, then it is to be noticed that the validation is performed in the accounting manager and not in the Service Provider. Therefore Bahl does not provide a teaching for a peer-to-peer accounting, as it is disclosed in the present invention, wherein the service provider has a direct control about the payment for the provided service. Further, under the assumption that the authentication component with the PAN server is an accounting manager, than it might be acknowledged that the accounting manager sends a service creditional to the User in form of the token. However Bails fails to teach to have an accounting manager sending user credential to the Service Provider. Further, the verification in Bahl is performed for every data packet during an ongoing session and not for a service, that means when a service request is received and before said service is initiated. Moreover, Bahl fails also to teach to receive an accounting message from the Service Provider in the Accounting Manager, first because in Bahl the accounting data is collected in the Accounting Manager and not in the Service Provider and second because in Bahl no interaction between the units is disclosed.

In response to the Examiner's position, the Applicants respectfully submit that even if billing data, sending, storing validating data and user's creditional associated with an accounting message has been common knowledge in the data transfer art, then it is not obvious at all to provide the solution as it is claimed in the present invention. More precisely, considering the architecture as described in Bahl it is apparent that this is a different system architecture concentrating on different purpose, namely users authentication to send and receiver data from/to the Internet whilst changing the access areas between the defined sub-

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networks. Combining Bahl with the common knowledge cannot teach the Applicant's claimed limitations directed to the charging of the users for a service accessed in the Service Provider for which beforehand an authentication of the users for the service by applying the steps as claimed has been performed. Charging and billing issues for Internet access are very complex, because very often the involved networks node belong to different operators with different requirements like for example regarding the complexity of the authentication or regarding the sensitivity of the transmitted data, therefore there is a number of alternative solutions considering different aspects. However, a combination of the above mentioned feature with Bahl does not provide a straightforward way to come to the present invention at all. In contrary, nowhere the provision of users and service creditional respectively to the user and to the Service provider is disclosed and the validation of both while requesting a service in the Service Provider is taught.

Consequently, for all the above-indicated reasons, Applicants respectfully submit that claims 1-14 are non-obvious and thus patentable over Bahl.

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<u>CONCLUSION</u>

In view of the foregoing, Applicant submits that the present patent application is now in condition for favorable action.

Should the Examiner wish to further discuss the present response or patent application, the undersigned can be reached at (514) 345-7891.

Respectfully submitted,

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